

Message Text

UNCLASSIFIED

PAGE 01 GENEVA 04107 01 OF 02 031505Z

44

ACTION IO-14

INFO OCT-01 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-15 USIA-15 AID-20 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 CG-00 INT-08 RSR-01

/213 W

----- 130818

R 031225Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 954

INFO USMISSION USUN NY

UNCLAS SECTION 1 OF 2 GENEVA 4107

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: WG-3 (SCIENTIFIC RESEARCH,-SR) 31 JULY 73

1. WG-3 MET TO CONTINUE CONSIDERATION OF UNTITLED ITEM 1.2 (FORMER TITLE: RIGHT TO UNDERTAKE MARINE SR WITHIN NATIONAL JURISDICTION AND IN INTERNATIONAL AREA). CHAIRMAN PLACED WG-3/PAPER NO.3 BEFORE WG CONTAINING TWO ADDITIONAL TEXTS TO THOSE CONTAINED IN COMPARATIVE TABLE FOR ITEM 1.2.

2. DESPITE CHAIRMAN'S APPEAL TO CONCENTRATE ON PRINCIPLES, COMPROMISE, AND NARROW DIFFERENCES, SESSION WAS MARKED BY RANDOM IGNITION OF BRUSH FIRES AND TIME CONSUMING DISPUTES OVER UTILITY OF DRAFTING GROUP AND LANGUAGE USED THERIN. MAJOR DIFFICULTY APPEARS TO BE RELUCTANCE OF SOME DELEGATIONS TO ALLOW ANY HINT OF NON-COASTAL STATE RIGHTS IN AREAS OF PARTIAL JURISDICTION.

3. SEVEN ADDITIONAL PROPOSALS WERE ADDED TO THOSE LISTED IN COMPARATIVE TABLE FOR ITEM 1.2. THESE READ AS FOLLOWS:

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 04107 01 OF 02 031505Z

A. BRAZIL: "1. COASTAL STATES HAVE THE EXCLUSIVE RIGHT TO

UNDERTAKE SCIENTIFIC RESEARCH IN AREAS UNDER THEIR SOVEREIGNTY AND JURISDICTION. COASTAL STATES SHALL HAVE THE RIGHT TO REGULATE SCIENTIFIC RESEARCH ACTIVITIES CONDUCTED IN THESE AREAS SUBJECT TO THEIR MARITIME SOVEREIGNTY AND JURISDICTION.

2. STATES SHALL, ACTING THROUGH INTERNATIONAL ORGANIZATIONS, COOPERATE TO UNDERTAKE SCIENTIFIC RESEARCH IN THE INTERNATIONAL MARITIME AREA. THIS RESEARCH SHALL BE CONDITIONAL ON THE PUBLICATION AND DISSEMINATION OF ITS RESULTS AND THE BALANCED PARTICIPATION OF ALL COUNTRIES, AND SHALL HAVE THE PURPOSE OF STRENGTHENING THE ECONOMIC CAPABILITIES OF DEVELOPING COUNTRIES."

B. CANADA: AMEND THE SECOND SENTENCE OF ARTICLE I OF A/AC.138/SC.III/L.44 OF USA, TO READ: "ALL STATES, IRRESPECTIVE OF GEOGRAPHIC LOCATION, AS WELL AS APPROPRIATE INTERNATIONAL ORGANIZATIONS, MAY ENGAGE IN SCIENTIFIC RESEARCH IN THE SEA, SUBJECT TO THE RIGHT OF COASTAL STATES AND RECOGNIZING THE INTERESTS OF THE INTERNATIONAL COMMUNITY, PARTICULARLY THE INTERESTS AND NEEDS OF DEVELOPING COUNTRIES, AS PROVIDED FOR THIS CONVENTION."

C. FRANCE: AMEND THE SECOND SENTENCE OF ARTICLE I OF A/AC.138/SC.III/L.44 OF USA, TO READ: "ALL STATES, IRRESPECTIVE OF GEOGRAPHIC LOCATION AS WELL AS APPROPRIATE INTERNATIONAL ORGANIZATIONS MAY ENGAGE IN SCIENTIFIC RESEARCH IN THE SEA, TAKING INTO ACCOUNT THE RIGHTS OF THE COASTAL STATES AND THE INTERESTS OF THE INTERNATIONAL COMMUNITY, PARTICULARLY THE

INTERESTS AND NEEDS OF DEVELOPING COUNTRIES, AS PROVIDED FOR IN THIS CONVENTION".

C. FRANCE: AMEND THE SECOND SENTENCE OF ART I OF A/AC.38./SC.III/L.44 OF USA, TO READ: "ALL STATES, IRRESPECTIVE OF GEOGRAPHIC LOCATION, AS WELL AS APPROPRIATE INTERNATIONAL ORGANIZATIONS MAY ENGAGE IN SCIENTIFIC RESEARCH IN THE SEA, TAKING INTO ACCOUNT THE RIGHTS OF THE COASTAL STATES AND THE INTERESTS OF THE INTERNATIONAL COMMUNITY, PARTICULARLY THE INTERESTS AND NEEDS OF DEVELOPING COUNTRIES, AS PROVIDED FOR IN THIS CONVENTION."

D. JAPAN: AMEND SECOND SENTENCE OF ARTICLE I OF A/AC.138/SC.III/
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 04107 01 OF 02 031505Z

L.44 OF USA, TO READ: "ALL STATES, IRRESPECTIVE OF GEOGRAPHIC LOCATION, AS WELL AS APPROPRIATE INTERNATIONAL ORGANIZATIONS MAY ENGAGE IN, OR MAY CO-OPERATE WITH EACH OTHER IN, SCIENTIFIC RESEARCH IN THE MARINE ENVIRONMENT IN AN ORDERLY AND RATIONAL MANNER, AS PROVIDED FOR IN THIS CONVENTION.

3. TRINIDAD AND TOBAGO: "ALL STATES, WHETHER COASTAL OR LAND-LOCKED, SHALL UNDERTAKE TO CO-OPERATE IN THE PROMOTION OF

SCIENTIFIC RESEARCH AND INVESTIGATION IN THE MARINE ENVIRONMENT IN AN ORDERLY AND RATIONAL MANNER." "1. THE COASTAL STATE SHALL HAVE THE RIGHT TO REGULATE SCIENTIFIC RESEARCH OR INVESTIGATION IN THE MARINE AREAS UNDER ITS NATIONAL JURISDICTION. THE EXPRESS CONSENT OF THE COASTAL STATE SHALL BE OBTAINED IN RESPECT OF ANY SUCH RESEARCH OR INVESTIGATION. 2. THE COASTAL STATE HAS THE RIGHT TO PARTICIPATE OR BE REPRESENTED IN ANY PROGRAMME OF MARINE SCIENTIFIC RESEARCH OR INVESTIGATION UNDERTAKEN IN AREAS UNDER ITS NATIONAL JURISDICTION. 3. THE RESULTS OF ANY SUCH SCIENTIFIC RESEARCH OR INVESTIGATION UNDERTAKEN WITHIN THE JURISDICTION OF A COASTAL STATE ARE THE PROPERTY OF THAT COASTAL STATE AND SHALL BE PUBLISHED ONLY WITH THE CONSENT OF THAT COASTAL STATE."

F. KENYA: "1. MARINE SCIENTIFIC RESEARCH IN AREAS UNDER NATIONAL JURISDICTION SHALL BE CONDUCTED SUBJECT TO THE COASTAL STATE'S CONSENT AND REGULATIONS. 2. ALL STATES, IRRESPECTIVE OF THEIR GEOGRAPHIC LOCATION. AS WELL AS INTERNATIONAL ORGANIZATIONS, MAY ENGAGE IN MARINE SCIENTIFIC RESEARCH IN AREAS BEYOND NATIONAL JURISDICTION, SUBJECT TO THE PROVISIONS OF THIS CONVENTION."

G. USSR: 1. AMEND ARTICLE 2, PARA 1 OF A/AC.138/SCIII/L.31 OF BULGARIA, ETC., TO READ: "ALL STATES, IRRESPECTIVE OF THEIR GEOGRAPHICAL LOCATION, AS WELL AS INTERNATIONAL ORGANIZATIONS, SHALL ENJOY, ON A BASIS OF EQUALITY AND WITHOUT ANY DISCRIMINATION, THE RIGHT OF FREEDOM TO CONDUCT SCIENTIFIC RESEARCH IN THE HIGH SEAS".

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GENEVA 04107 02 OF 02 031519Z

44

ACTION IO-14

INFO OCT-01 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-15 USIA-15 AID-20 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 CG-00 INT-08 RSR-01

/213 W

----- 130978

R 031225Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 955

INFO USMISSION USUN NY

UNCLAS SECTION 2 OF 2 GENEVA 4107

2. SEE ARTICLE 12 OF A/AC.138/SC.III/L.31.

H. TANZANIA: "ALL STATES, IRRESPECTIVE OF THEIR GEOGRAPHIC LOCATION, AS WELL AS APPROPRIATE INTERNATIONAL ORGANIZATIONS, SHALL ENJOY, ON THE BASIS OF EQUALITY AND WITHOUT DISCRIMINATION, THE RIGHT TO CONDUCT SCIENTIFIC RESEARCH IN AREAS BEYOND NATIONAL JURISDICTION."

I. AUSTRALIA: "MARINE SCIENTIFIC RESEARCH IN AREAS UNDER NATIONAL JURISDICTION SHALL BE CONDUCTED SUBJECT TO THE COASTAL STATE'S CONSENT. THE GRANTING OR WITHHOLDING SUCH CONSENT, THE COASTAL STATE SHALL TAKE INTO ACCOUNT CONSIDERATIONS OF SAFETY AT SEA, OF POLLUTION CONTROL AND OF NORMAL USES OF THE COASTAL ZONE BY THE COASTAL STATE. SUBJECT TO THESE CONSIDERATIONS AND TO THE RIGHT OF THE COASTAL STATE TO PARTICIPATE IN THE RESEARCH ACTIVITY AND TO HAVE IMMEDIATE ACCESS TO ITS RESULTANT INFORMATION AND DATA, CONSENT SHALL NOT BE UNREASONABLY WITHHELD BY THE COASTAL STATE, PROVIDED THAT THE STATE OR ORGANIZATION CONDUCTING THE RESEARCH UNDERTAKE TO COMMUNICATE PROMPTLY THE RESULTANT INFORMATION AND DATA TO AN INTERNATIONAL AUTHORITY OR AUTHORITIES AS PROVIDED BY THIS CONVENTION, AND TO PUBLISH SUCH INFORMATION AND UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 04107 02 OF 02 031519Z

DATA IN WIDELY AVAILABLE SCIENTIFIC PUBLICATIONS."

4. DRAFTING GROUP MET FOR EVENING SESSION TO CONSIDER SECOND PART OF ITEM 1.1: OBJECTIVES OF SR. US (AMB MCKERNAN) NOTED THAT "PEACEFUL PURPOSES" AND "INCREASING MANKIND'S SCIENTIFIC KNOWLEDGE" WERE OBJECTIVES CONTAINED IN DEFINITION AND OTHERS WOULD BE BEST LEFT TO ITEM DEALING WITH PURPOSES OF SR. DESPITE EFFORTS OF CHAIRMAN, US, FRANCE, SOVS, MALTA, AND SOMETIMES, MEXICO, ITEM HURLED BY INTERVENTIONS BY BRAZIL, T&T, CANADA, AND VENEZUELA. FOLLOWING EMOTIONAL ATTACK BY JAPAN (IGUCHI) ON CHAIRMAN'S COMPETENCE, DRAFTING GROUP ARRIVED AT TWO ALTERNATE TEXTS TO PLACE BEFORE WG. THESE ARE: (A) MARINE SR AS SUCH SHALL NOT FORM THE LEGAL BASIS FOR ANY CLAIMS FOR EXPLOITATION RIGHTS OR ANY OTHER RIGHTS IN AREAS BEYOND THE LIMITS OF NATIONAL JURISDICTION. (B) (US TEXT AS AMENDED) MARINE SR AS SUCH SHALL NOT FORM THE LEGAL BASIS FOR ANY CLAIM TO ANY PART OF THE MARINE ENVIRONMENT OR ITS RESOURCES.

BASSIN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973GENEVA04107
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730860/aaaabrws.tel
Line Count: 219
Locator: TEXT ON-LINE
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: kellerpr
Review Comment: n/a
Review Content Flags:
Review Date: 29 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29-Aug-2001 by reddocgw>; APPROVED <31-Jan-2002 by kellerpr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: WG-3 (SCIENTIFIC RESEARCH,-SR) 31 JULY 73
TAGS: PBOR, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005